

DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, CA 95814
(916) 322-5387



November 28, 1983

ALL-COUNTY LETTER NO. 83-124

TO: ALL COUNTY WELFARE DIRECTORS

SUBJECT: ZAPATA V. WOODS

REFERENCE: ALL COUNTY LETTER NO. 80-50, DATED AUGUST 21, 1980;
ALL COUNTY LETTER NO. 83-102, DATED SEPTEMBER 28, 1983

This letter is to inform you that on October 3, 1983, the United States Supreme Court refused to hear the Department's petition for rehearing of the Superior Court's Order (writ of certiorari) in the above case. The effect of the United States Supreme Court's action is that this Department must comply with the Superior Court's, April 18, 1981 Order. (Copy Attached) The Order prohibits application of MPP Section 44-205.23 to the extent that AFDC benefits are denied/discontinued solely because the needy relatives' only child(ren) receive SSI/SSP.

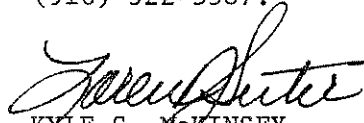
You are hereby instructed to apply this Order to all applications received on or after December 1, 1983, and to continuing cases on an ongoing basis. All actions taken on or after that date shall comply with this order. Therefore, you should rescind any denial or discontinuance of AFDC benefits taken on or after December 1, 1983, related to this Order and to pay benefits as otherwise entitled. The amount of aid shall be based on the Maximum Aid Payment (MAP) for a Family Budget Unit (FBU) of one or two depending on whether or not the FBU includes the child's second parent (MPP Section 44-205.232) or stepparent (MPP Section 44-205.243).

The Department intends to promulgate MPP Division 44 regulations as soon as possible. In the meantime, this letter shall serve as the basis for compliance with the Order.

The Order further stipulates that the Department implement its retroactive provisions within 120 days. In order to do so, the Department is in the process of developing emergency MPP Division 50 regulations. It is anticipated that these regulations will be effective on or before February 1, 1984. We suggest that you begin to make any necessary arrangements in order to facilitate the implementation of these regulations.

Additional information concerning MPP Division 50 regulations will be provided to you as soon as possible so that you will have the maximum time to prepare for implementation.

If you have any questions concerning the prospective application of the Order, please contact Kay Poletti at (916) 322-5330. If you have any questions concerning the retroactive provisions, please contact Joe Carleton at (916) 322-5387.

for 
KYLE S. MCKINSEY
Deputy Director

Attachment

cc: CWDA

10976-

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Attorneys for Plaintiffs/Petitioners

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES

| | | |
|--------------------------|---|----------------|
| GEORGINA ZAPATA, et al., |) | CLASS ACTION |
| |) | |
| Plaintiffs/Petitioners, |) | NO. CA 000 476 |
| |) | NO. CA 000 548 |
| vs. |) | |

| | | |
|-----------------------|---|----------|
| MARION WOODS, etc., |) | |
| |) | JUDGMENT |
| Defendant/Respondent. |) | |

| | |
|-------------------------|---|
| EUNICE HOLMES, et al., |) |
| |) |
| Plaintiffs/Petitioners, |) |

| | |
|-----------------------|---|
| vs. |) |
| |) |
| MARION WOODS, etc., |) |
| |) |
| Defendant/Respondent. |) |

Entered 9/20/81 BL

1 The trial in the above-entitled matter was heard in Depart-
2 ment 17 on July 9, 1980, the Honorable Harry L. Hupp, Judge
3 Presiding; plaintiffs and petitioners appearing by their attorneys,
4 Legal Aid Foundation of Los Angeles, Fresno County Legal Services,
5 Inc., Contra Costa Legal Services Foundation, and San Francisco
6 Neighborhood Legal Assistance Foundation by Hugh Harrison and
7 Richard A. Paez, and defendant and respondent appearing by his
8 attorney, George Deukmejian, Attorney General of the State of
9 California, by John H. Sanders, Deputy Attorney General. The
10 action having been certified as a class action by order of this
11 Court on November 15, 1979; notice having been given of the pen-
12 dency of this case as a class action pursuant to order of this
13 Court dated December 11, 1979; evidence, both oral and documentary
14 having been presented by both parties; the cause having been argued
15 and submitted for decision; and the Court having issued its Memo-
16 randum Opinion;

17
18 IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

19 1. This case has been properly certified and maintained as
20 a class action. The class consists of all persons in California
21 who qualify under the Social Security Act as needy relatives with
22 whom dependent children are living and who have been or will be
23 denied Aid to Families with Dependent Children (hereafter "AFDC")
24 benefits pursuant to Welfare and Institutions Code § 11203 and the
25 Eligibility and Assistance Standards Provisions of the Manual of
26 Policy and Procedure (hereafter "EAS") §§ 44-205 and 44-206 on the
27 sole ground that all of the dependent children in the relatives'
28 care are receiving Supplemental Security Income (hereafter "SSI").

1 2. The provisions of Welfare and Institutions Code § 11203
2 and the provisions EAS §§ 44-205 and 44-206 are inconsistent with
3 and contravene the Social Security Act and are void and of no
4 effect insofar as they deny AFDC benefits to the plaintiffs and
5 members of the class.

6 3. Defendant/respondent, his officers, agents, employees,
7 representatives, successors in office, those acting in his behalf,
8 all persons acting in concert or participating with him, and his
9 statutory agents, the boards of supervisors of each county of
10 California and the directors of each county welfare department
11 shall be and are hereby permanently enjoined from denying or
12 terminating AFDC to members of the class on the sole ground that
13 all dependent children in the family unit are receiving SSI, and
14 are further permanently enjoined from enforcing or implementing
15 Welfare and Institutions Code § 11203 and EAS §§ 44-205 and 44-206,
16 or any other subsequent state statute, regulation or policy
17 insofar as such statute, regulation or policy operates to deny or
18 terminate AFDC to members of the class on the sole ground that all
19 dependent children in the family unit are receiving SSI, so long
20 as there is no change in applicable federal law to the contrary.

21 4. In the event that the defendant appeals this judgment,
22 the injunction set forth in paragraph 3 shall be stayed during the
23 pendency of any such appeal.

24 5. During the period that the injunction is stayed as
25 provided in the preceding paragraph, defendant shall provide
26 prospective members of the class represented by plaintiffs with
27 the eight and one-half by eleven inch notice previously approved
28 relative to class certification.

1 6. The plaintiffs and those members of the class who either
2 applied for AFDC and were denied or who were terminated from AFDC
3 shall be entitled to the restoration of all AFDC benefits so unlaw-
4 fully withheld or denied retroactively from January 27, 1975, or
5 the date of their termination from, or applications for, AFDC, if
6 later, provided that defendant shall retain the discretion to deny
7 or limit the amount of the grant on any other applicable ground
8 not directly related to this lawsuit.

9 7. The defendant/respondent, his officers, agents,
10 employees, representatives, successors in office, those acting in
11 his behalf, all persons acting in concert or participating with
12 him, and his statutory agents, the boards of supervisors of each
13 county of California and the directors of each county welfare
14 department shall be and are enjoined:

15 a) To notify the members of the class that they may
16 be entitled to the payment of AFDC benefits that
17 would have been granted had their applications not
18 been denied or had their aid not been terminated
19 and that they have the right to claim payment of
20 such benefits. For purposes of so notifying the
21 members of the class, the defendant/respondent
22 shall:

23 i) Send notice to all current SSI recipients
24 of Medi-Cal of their potential entitle-
25 ment to unlawfully withheld or denied
26 benefits in accordance with the terms of
27 this judgment. Said notice shall be
28 written in easily understandable language

1 approved by counsel for plaintiffs and
2 shall be printed in English and Spanish.
3 Said notice shall be included in the
4 envelope containing the Medi-Cal
5 recipient's I.D. card and shall be sent
6 to all Medi-Cal recipients within 120
7 days of the date this judgment becomes
8 final (i.e., after exhaustion of any
9 appeal);

10 ii) Cause a notice to be posted in a conspic-
11 uous location in each local office of
12 all county welfare departments informing
13 readers of their potential entitlement
14 to unlawfully withheld or denied benefits
15 in accordance with the terms of this
16 judgment. Said notice shall be in bold
17 face type, of at least twenty-four (24)
18 point size, written in easily understand-
19 able language approved by counsel for
20 plaintiffs and printed in English and
21 Spanish. Said notice shall be posted one
22 week in advance of mailing the notice
23 described in paragraph 7(a)(i), and shall
24 remain posted for 120 days;

25 iii) Distribute letter-size (8-1/2" x 11")
26 notices identical to the extent practica-
27 ble, in language, to the notice described
28 in paragraph 7(a)(ii) herein to each local

office of all county welfare departments.
Said notice shall be given to any person
who so requests;

iv) Seek the cooperation of the Social
Security Administration in posting the
notice described in Paragraph 7(a)(ii)
herein in all of the local Social Security
offices in the state of California; and,

v) Provide plaintiffs' counsel 150 copies
of the notices described in Paragraphs
7(a)(ii) and 7(a)(iii) herein for distri-
bution and posting in each local
neighborhood legal services program in
the State of California.

b) To accept claims for unlawfully withheld or denied
benefits for 210 days following the date that this
judgment becomes final;

c) To take all actions necessary to ensure that each
and every county processes claims for unlawfully
withheld or denied benefits as promptly as adminis-
tratively feasible. Within 90 days after the close
of the claim period defendant shall provide plain-
tiffs' counsel with a report setting forth the
status of the processing of claims.

8. Defendants shall preserve all records, including but
not limited, to applications for Aid to Families with Dependent
Children, notices of action, and fair hearing decisions which

1 contain information with respect to any individual class member
2 who was or will be denied AFDC as a result of the policy of
3 defendant declared invalid by this judgment. These records, des-
4 pite any regulation to the contrary, shall be preserved and main-
5 tained until all the provisions of this judgment have been fully
6 satisfied.

7 9. A peremptory writ of mandate shall issue from this Court
8 commanding the defendant/respondent and his successors in office
9 forthwith:

- 10 a) To set aside the decision dated September 22, 1977,
11 in the proceeding entitled, "In the Matter of the
12 Hearing of Georgina Zapata";
- 13 b) To set aside the decision dated November 4, 1977,
14 in the proceeding entitled, "In the Matter of the
15 Hearing of Alfred Long";
- 16 c) To set aside the decision dated April 6, 1978, in
17 the proceeding entitled, "In the Matter of the
18 Hearing of Eunice Holmes";
- 19 d) To set aside the decision dated June 21, 1978, in
20 the proceeding entitled, "In the Matter of the
21 Hearing of Selma Hoskins";
- 22 e) To reconsider said decisions in light of this
23 judgment and determine the amount, if any, of
24 AFDC to which petitioners would have been eligible
25 since the date of their application for or termina-
26 tion from AFDC;
- 27 f) Upon determination of the amounts specified in the
28 preceding paragraph, to pay those sums, if any;

1 g) To take any further action specifically enjoined
2 upon respondent by law; and,

3 h) To make and file a return to the peremptory writ
4 of mandate within 90 days after the date this
5 judgment becomes final.

6 10. The issue of plaintiffs' entitlement to an award of
7 reasonable attorneys' fees is severed from the provisions of this
8 judgment. This Court shall retain jurisdiction over this action
9 to resolve the attorneys' fees issue, the amount of any such award
10 and until full compliance with the terms of this judgment has been
11 achieved.

12 DATED: _____, 1980.

13
14
15
16 _____
17 HARRY HUPP,
18 Judge of the Superior Court

19
20 JUDGMENT ENTERED ON _____, 19 in the
21 Judgment Book, Volume No. _____, Page _____.

22
23 JOHN J. CORCORAN

24
25 By: _____

26 Deputy Clerk
27
28

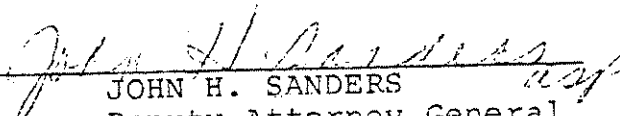
Approved as to form:

HUGH HARRISON
RICHARD A. PAEZ

BY: 
HUGH HARRISON

Attorneys for Plaintiffs

GEORGE DEUKMEJIAN
Attorney General

BY: 
JOHN H. SANDERS
Deputy Attorney General

Attorneys for Defendant